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OFFICE OF PETITIONS

SENNIGER, POWERS, LEAVITT AND ROEDEL
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

In re Application of
Ray Burkhardt, et al
Application No. 09/912,864
Filed: July 24, 2001
Attorney Docket No. MS#155706.1 (4931) :

DECISION GRANTING PETITION

This is a decision on the communication filed September 24, 2001, which is being treated as a petition under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of July 24, 2001, instead of the presently accorded date of July 25, 2001.

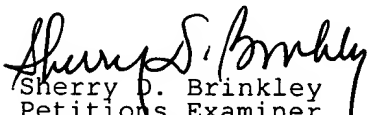
Petitioner alleges that the application was deposited in "Express Mail" service with the U. S. Postal Service, on July 24, 2001. In support, petitioners provide a copy of the Express Mail label, receipt no. E18527744018US. The same Express Mail receipt number was referred to in the copy of the original transmittal letter submitted with the instant petition. It is noted that while the "date in" on the copy of the Express Mail label is not legible, it includes a "JEFFERSON MEM STA ST LOUIS MO USPS" receipt stamp dated July 24, 2001.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on July 24, 2001.

The petition is granted.

The application is being returned to Initial Patent Examination Division for correction of the filing date to **July 24, 2001**, and to await the response to the Notice to File Corrected Application Papers mailed September 4, 2001.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-9220. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects